

# Before You Plead Guilty in Utah – Know the Facts!

[W wasatchdefenselawyers.com/before-you-plead-guilty-in-utah-know-the-facts](https://wasatchdefenselawyers.com/before-you-plead-guilty-in-utah-know-the-facts)



Topics covered in this blog:

Facing criminal charges can seem overwhelming. Adding to the anxiety is the belief many people have that the criminal justice system is so unfair that they can't win in court. So, all too often, people who could go free after going through the criminal court process instead just give up their rights at the beginning. They plead guilty without trying to defend themselves against serious charges that often carry life-ruining penalties. This is the most serious mistake you can make in that situation. If you are charged with a criminal offense in Utah, you *need* to defend yourself.

## What Happens After Pleading Guilty in Utah?

People who simply accept any punishment the judge chooses to impose on them give away their opportunity to keep their freedom and possibly save themselves from having a criminal record. As a result, often, people are avoidably convicted. They serve prison sentences and are sunk under huge fines, and they have a criminal record that makes the rest of their lives very difficult. In many other cases, people who *are* guilty should not hastily *plead* guilty without first obtaining appropriate legal advice. Often, they end up unnecessarily serving much longer sentences than they might have if they had had a proper defense.

Your ability to win your case may be much greater than you think. Before you plead guilty, you need to consider the factors listed below and talk to an experienced criminal defense lawyer with a winning track record about your realistic options.

## Before You Plead Guilty in Utah...

---

Before you decide how to plead in your case, be very clear about what is at risk and what possible defense strategies are available to you. Here are some basic facts you should understand before you choose to plead guilty to criminal charges in Utah:

---

### **The burden of proof is high for the prosecutor.**

---

Even if the evidence seems to be against you, the burden of proof is high, which means the prosecutor must persuade the jury (or judge in a bench trial) that there is only one reasonable conclusion — that you committed the alleged crime. When an experienced Utah criminal defense attorney successfully challenges just a single piece of the prosecution’s argument, it is often enough to prevent a guilty verdict. For example, to be guilty requires that the defendant had “criminal intent.” Evidence of such intent is often very difficult for prosecutors to produce.

---

### **Even if you are guilty, you may have some very effective defenses.**

---

Under the U.S. Constitution, if you are guilty, you still have protection for a defendant in a criminal trial. These rights are more likely to be violated than you might expect. In some circumstances, you may be legally entitled to go free without a conviction, even if you did commit a crime. Some of the most common examples of constitutional defenses to criminal charges include unreasonable means used by police, surprise evidence or charges, causing self-incrimination, and violation of the accused’s right to due process, among others.

---

### **You may be allowed to take a “diversion” option.**

---

Under the Utah Code of Criminal Procedure Section 77-2-5, at any time during the prosecution before the defendant’s conviction is final, the prosecutor can make a written agreement with the defendant. If the court approves it, the prosecutor can divert the defendant to an alternative non-criminal diversion program. For first-time offenders and less serious criminal charges, this can be a perfect option to pursue.

---

### **Many crimes carry mandatory minimum sentences in Utah.**

---

Some defendants are under the impression that pleading guilty can earn points with a judge and lead to a lesser sentence. Unfortunately, this is false in many cases. Many charges carry mandatory minimum prison or jail sentences and/or large fines if convicted. If the crime you are charged with carries a mandatory minimum sentence, the judge has no discretionary authority to impose a lesser sentence.

---

### **Plea bargaining may significantly reduce your sentence.**

---

If other options mentioned above are not available to you, then negotiating a plea bargain can lead to a much better outcome for you than just pleading guilty. Depending on the details of your case, you may be allowed to plead guilty to a less serious charge with greatly reduced penalties.

## **Expungement is very often not actually an option.**

---

Expungement of a criminal record is typically allowed only in certain circumstances under Utah law. You should be aware that if you are convicted of a criminal offense in Utah, the possibility of later obtaining an expungement is less likely than you may assume it is. You should not rely on this as an option until you have your case reviewed by an experienced Utah criminal defense lawyer.

## **Having a criminal conviction on your record alters your life.**

---

After you serve your prison sentence, having a criminal conviction on record will permanently affect your life. A criminal record can make it more difficult to find a job, obtain visitation rights to see your children or even rent a place to live. So, pleading guilty when innocent or when guilty without proper legal consultation is ill-advised. If you are facing criminal charges, you must find out what options are actually available to you.

You need to work with a Utah criminal defense lawyer who knows how to function as required within the State court system. Your attorney will ensure that *all* your legal rights are fully protected and that you receive the best outcome possible in your case.

## **Discuss Your Case with a Salt Lake City, Utah Criminal Defense Lawyer**

---

Learn about why you should fight criminal charges against you in Utah. Our experienced criminal defense lawyers immediately start working on getting your charges dropped or significantly reduced and keep you from going to jail. We have fluent Spanish and German-speaking attorneys. We offer military discounts and payment arrangements.

Call Wasatch Defense Lawyers, Salt Lake City, UT at (801) 980-9965, or contact us online to schedule a free review of your case and legal consultation as soon as possible.